

Notice of Allowability

Application No.

10/643,229

Examiner

Necholus Ogden

Applicant(s)

PHAM ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1-20-05.
2. ☒ The allowed claim(s) is/are 1 and 2.
3. ☒ The drawings filed on 18 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1-20-05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 1-20-05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Necholus Ogden
Primary Examiner
Art Unit 1751

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ron Koatz on 1-20-05.

The application has been amended as follows:

Claim 1, line 2, after "produce" insert therefore ---or induce---

Claim 1, line 4, after "thickener" delete therefore "." And insert therefore ----;

wherein said composition comprises a single phase, isotropic composition comprising:

(1) 5 to 30% by wt. of a surfactant or surfactants for cleansing the skin wherein said surfactant or surfactants is selected from the group consisting of anionic surfactant, amphoteric surfactant, nonionic surfactant and mixtures thereof;

(2) greater than about 2% to level of electrolyte such that upper limit will not cause isotropic composition to become biphasic or multiphasic;

(3) 0.5 to 7%, by wt. associative thickener;

(4) 0 to 15% by wt., hydrotroping compound; and

(5) 45 to 95% by wt. water,

wherein, said composition has viscosity upon dilution, which is greater than viscosity prior to dilution;

wherein said composition has rinse retention of greater than 30% by wt. after 10 minutes as measured by a sample retained on a test slide as function of rinsing time;

wherein, upon dilution said composition remains in a single phase; and

wherein said process comprises diluting said composition in an amount such that the viscosity of the diluted composition is greater than that of the composition as a neat product (100:0 product to water) up to about a dilution of 25:75 product to water.

Cancel claim 3.

2. The following is an examiner's statement of reasons for allowance: The Shana'a reference does not teach or suggest process for shifting lower a lower level of salt required to induce a dilution thickening effect which in turn reduces rinse ability and permits the consumer to use less product.

3. Applicant has shown criticality in figures 1-3 and table, wherein the salt required is lowered and the dilution thickening effect is induced.

4. Accordingly, the claims are allowable over the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

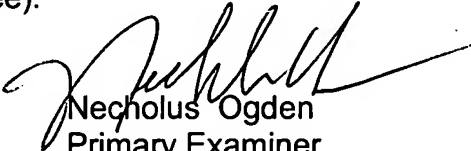
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholas Ogden whose telephone number is 571-272-1322. The examiner can normally be reached on M-T and Th-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone

Art Unit: 1751

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Necholas Ogden
Primary Examiner
Art Unit 1751

No
1-22-05